



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-मध्य उप-विभाग

वर्ष १०, अंक ५४]

सोमवार, ऑक्टोबर ७, २०२४/आश्विन १५, शके १९४६

[पृष्ठे ७, किंमत : रुपये ४.००

असाधारण क्रमांक ११४

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक ४ ऑक्टोबर, २०२४.

अधिसूचना

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६.

क्रमांक टिपीएस-१२२४/११७५/प्र.क्र.५३/२४/कलम ३७(१कक)(ग)/नवि-१२.-ज्याअर्थी, महाराष्ट्र शासनाने राज्यातील बृहन्मुंबई महानगरपालिका, व काही नियोजन प्राधिकरणे वगळता उर्वरित सर्व नियोजन प्राधिकरणे व प्रादेशिक योजना क्षेत्रांकरीता लागू करावयाच्या एकत्रिकृत विकास नियंत्रण व प्रोत्साहन नियमावलीस (युडीसीपीआर) (यापुढे ज्याचा उल्लेख "उक्त नियमावली" असा करण्यात आलेला आहे) महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आलेला आहे) मधील तरतुदीनुसार, शासन अधिसूचना क्र. टिपीएस-१८१८/प्र.क्र.२३६/१८/ वियो. व प्रायो./कलम ३७ (१कक) (ग) व कलम २०(४)/नवि-१३. दि.०२/१२/२०२० अन्वये मंजुरी दिली असून ती दि.०३/१२/२०२० पासून अंमलात आली आहे;

आणि ज्याअर्थी, उक्त नियमावलीमध्ये प्रकरण क्र. १० मध्ये शहरासाठी विशेष नियमावली (City Specific Regulation) असून, त्यामधील विनियम क्र.१०.३ व विनियम क्र.१०.४ अनुक्रमे नागपुर महानगरपालिका व नागपुर महानगर प्रदेश विकास प्राधिकरण यांचेशी संबंधित आहे. तर विनियम क्र. ११.२ Regulations For Grant Of Transferable Development Right (TDR) शी संबंधित आहे. उक्त नियमावलीमध्ये सुधारणा करणेबाबत नॅशनल रियल इस्टेट डेव्हलपमेंट कौन्सिल (NAREDCO) यांनी शासनास दि.११/६/२०२४ रोजीच्या पत्रान्वये विनंती केली आहे.

आणि ज्याअर्थी, उक्त विनंती विचारात घेतल्यानंतर उक्त नियमावलीमध्ये मध्ये सोबतच्या परिशिष्ट-अ मध्ये नमूद केल्यानुसार सुधारणा करणे आवश्यक आहे, असे शासनाचे मत झाले आहे. (यापुढे ज्याचा उल्लेख "उक्त प्रस्तावित फेरबदल " असा करण्यात आलेला आहे)

(१)

आणि ज्याअर्थी, शासनाने उक्त अधिनियमाच्या कलम ३७(१कक)(क) मधील तरतुदीप्रमाणे शासनास प्राप्त अधिकारांचा वापर करून सूचना क्र.टिपीएस-१२२४/११७५/ प्र.क्र.५३/२४/कलम ३७(१कक)/नवि-१२, दि.२६/६/२०२४ रोजी प्रसिद्ध करून सुचनेसोबत जोडलेल्या “परिशिष्ट” मध्ये नमूद केलेनुसार, उक्त प्रस्तावित फेरबदलाच्या अनुषंगाने आम जनतेकडून सूचना/हरकती मागविल्या आहेत आणि संबंधितांची सुनावणी घेऊन शासनाकडे उक्त अधिनियमाच्या कलम ३७(१कक)(क) मधील तरतुदीप्रमाणे नमूद वैधानिक कार्यवाही पूर्ण करून अहवाल सादर करण्यासाठी शासनाने संबंधित विभागीय सहसंचालक, नगररचना यांची ‘अधिकारी’ म्हणून नियुक्ती केली आहे. (यापुढे ज्याचा उल्लेख ‘उक्त अधिकारी’ असा करण्यात आलेला आहे);

आणि ज्याअर्थी, उक्त दि.२६/६/२०२४ रोजीची सूचना **महाराष्ट्र शासन राजपत्र** असाधारण भाग-१, मध्य उप-विभाग मध्ये, दिनांक २७ जून, २०२४ मध्ये पृष्ठ क्र.१-७ वर प्रकाशित करण्यात आली होती आणि उक्त अधिकारी यांनी त्यांचा आपला अहवाल उक्त अधिनियमाच्या कलम ३७(१ कक) अंतर्गत विहित केलेली वैधानिक कार्यवाही पूर्ण केल्यानंतर संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेमार्फत शासनास सादर केला आहे;

आणि ज्याअर्थी, संबंधित उक्त नियुक्त अधिकारी यांचे अहवाल विचारात घेतल्यानंतर आणि संचालक, नगररचना महाराष्ट्र राज्य, पुणे यांचेशी सल्लामसलत केल्यानंतर उक्त प्रस्तावित फेरबदल, काही सुधारणांसह मंजूर करणे आवश्यक असल्याचे शासनाचे मत झाले आहे;

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७ (१कक) (ग) अन्वये प्रदत्त असलेल्या अधिकारांचा वापर करून शासन याद्वारे :-

(अ) मंजूर एकत्रिकृत विकास नियंत्रण व प्रोत्साहन नियमावलीतील (UDCPR मधील) विनियम क्र. १०.३, विनियम क्र. १०.४ तसेच विनियम क्र. ११.२ या विद्यमान तरतुदीमध्ये आवश्यक त्या सुधारणांसह, (सोबतच्या **परिशिष्ट** मध्ये सविस्तरपणे नमूद केल्याप्रमाणे) मंजूरी देण्यात येत आहे.

(ब) सदर मंजूर फेरबदल, सदर अधिसूचना **शासन राजपत्रात** प्रसिद्ध झाल्याच्या दिनांकापासून अमलात येईल, असे निश्चित करित आहे.

२. सदरची अधिसूचना, कामकाजाचे दिवशी एक महिन्याच्या कालावधीकरीता जनतेच्या अवलोकनार्थ सर्व संबंधित नियोजन प्राधिकरणे आणि नगररचना आणि मुल्यनिर्धारण विभागाची जिल्हा कार्यालये या कार्यालयांमध्ये उपलब्ध राहिल.

३. ही **अधिसूचना** शासनाचे संकेतस्थळ www.maharashtra.gov.in (कायदे / नियम) वर उपलब्ध राहिल.

परिशिष्ट

शासन अधिसूचना क्रमांक टिपीएस-१२२४/११७५/प्र.क्र.५३/२४/कलम ३७(१कक)(ग)/नवि-१२,

दिनांक :- ४/१०/२०२४ सोबतचे परिशिष्ट

Regulation	Existing Pro- vision	Sanctioned Modification
10.3. and 10.4.: Add new Clause as 10.3.6 and 10.4.5	----	<p><u>Following new provision is inserted as Clause 10.3.6 and Clause 10.4.5:-</u></p> <p><u>Generation of TDR :-</u></p> <p>For encumbered plots which are required for implementation of public purpose on urgent basis, following shall be applicable :-</p> <p>(i) In case of land which were /are fully encumbered and where encumbrances had/ have to be removed and/or rehabilitated by the project implementing authority, TDR/ DRC shall be issued equivalent to the area of land taken over for free public project.</p> <p>(ii) In case of land which were/are partly encumbered and where encumbrance are/ were removed and /or rehabilitated elsewhere by the project implementing authority, the entitlement for TDR/DR for the portion of land which is/ was vacant shall be as per Sr.No.(a) of Regulation 11.2.4 and the entitlement of TDR/ DRC for the portion of land which is / was encumbered shall be equivalent to the area of encumbered land taken over for public project.</p> <p>However, before permitting/ granting TDR/ DRC for encumbered land, Project implementing authority shall separately certify the area of land which are vacant and the area of land under encumbrance alongwith detail as per the joint measurement survey carried out in this respect with the city survey officer. The area of vacant land and land under part encumbrance shall be clearly distinguished and demarcated, otherwise the land under part encumbrance shall be treated as fully encumbered land.</p>

<p>11.2:- add new proviso in Clause 11.2.5 after the paragraph “In case and educational buildings”.</p>	<p>----</p>	<p>Following new proviso is inserted in Clause 11.2.5 after the paragraph “In caseand educational buildings”.</p> <p>Provided further, notwithstanding anything contained in these Regulations, for the purposes of medical, education or community hall, if the land belonging to SPA / ULB is already leased or allotted to a Public Charity Trust or a Government owned entity for the purposes of operations wherein construction of the amenity thereon is the responsibility of Special Planning Authority (SPA) or Urban Local Body (ULB), then to create or extend such facilities for the public at large, construction TDR may be granted to the Trust or Government entity for carrying out construction. However, in any case where construction TDR has been issued, the ownership of the construction shall lie with SPA/ ULB and Trust or Government entity shall, post construction, hand over the construction to SPA/ ULB and SPA /ULB may lease this construction back to the Trust or Government entity for a period co-terminus with the earlier lease and at such rate and conditions that earlier lease states.</p>
<p>11.2.3(x)</p>	<p>Clause No.11.2.3(x) For the lands owned by the State Government.</p>	<p><u>Clause 11.2.3(x)</u> For the lands owned by the State Government, except Government land leased on long term for a nominal lease rent wherein remaining tenure of lease is more than 30 years.</p>
<p>11.2.4:- New provision is added in Note after the entry of (e).</p>	<p>----</p>	<p><u>Following new provision is inserted in Clause 11.2.4 Note after the entry of (e).</u></p> <p>f) In case of land owned by Government of Maharashtra but leased on a long term for a nominal lease rent with remaining tenure of lease more than 30 years, is required for reservation under Development Plan, TDR shall be payable to lease holder to the extent of 90% of otherwise due TDR for equivalent private land. If allotment on lease was done at a subsidized rate and not at full market value or RR value, then indexing of the TDR given for land shall be at similarly reduced rate. If there is any existing authorized construction done by lease required to be demolished or acquired then TDR shall be payable for the construction as is due for equivalent private property.</p>

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

निर्मलकुमार चौधरी,
शासनाचे उप सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, Dated 4th October, 2024

NOTIFICATION

THE MAHARASHTRA REGIONAL & TOWN PLANNING ACT, 1966.

No. TPS-1224/1175/CR.53/24/Sec. 37 (1AA)(a)/UD-12.—Whereas, the Government of Maharashtra has sanctioned the Unified Development Control and Promotion Regulations (UDCPR)(hereinafter referred to as "the said Regulations") for the state except Municipal Corporation of Greater Mumbai, & some Planning Authorities under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No.TPS-1818/CR.238/18/DP. & RP./Sec.37 (1AA) (c) & sec.20(4)/UD-13, dated 02/12/2020;

And whereas, Chapter No. 10 in the UDCPR is regarding City Specific Regulations wherein Regulation no. 10.3 pertains to Nagpur Municipal Corporation and Regulation no. 10.4 pertains to Nagpur Metropolitan region Development Authority and wherein Regulation no. 11.2 is regarding Regulations For Grant Of Transferable Development Right (TDR) provision, the National Real Estate Development Council (NAREDCO) vide letter dated 11/6/2024 has requested the Government to modify the said Regulation;

And whereas, after considering the said request, the Government is of the opinion that it is necessary to modify the said Regulation as mentioned in Annexure-A herewith. (hereinafter referred to as "the said proposed modification");

And whereas, in exercise of the powers conferred under section 37(1AA) of the said Act and all other powers enabling in that behalf, the Government has published a Notice No.TPS-1224/1175/CR.53/24/Sec.37(1AA)/Modification/UD-12 dt.26/6/2024 for inviting suggestions/objections from general public in respect to the Proposed Modification as mentioned in the Schedule appended to the said notice and appointed the concerned Divisional Joint Director of Town Planning as an 'Officer' (hereinafter referred to as 'the said Officer') to completed procedure as stipulated under section 37(1AA) of the said Act and to submit report on the objections/suggestions received in respect of the Proposed Modification to the Government after giving hearing to the concerned persons;

And whereas, the said Notice dated 26/6/2024 was published in the *Maharashtra Government Gazette* Extra Ordinary Part-1, Central Sub-Division dated 27/6/2024 in the Page No.1-7 and the said Officers have submitted their report to government through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the report of the said Officers and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with certain changes.

Now therefore, in exercise of the powers conferred upon it under section 37(1AA) (c) of the said Act, the Government hereby :-

A. Sanctions the proposed modification in the Unified Development Control and Promotion Regulations (UDCPR) in respect of the Regulation No.10.3, 10.4 and Regulation No.11.2 with certain changes as described more specifically in the *Schedule* appended herewith.

B. Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this modification.

2. This Notification shall be kept open inspection to the general public in the office of all concerned Planning Authorities and District Offices of Town Planning and Valuation Department for the period of one month, on all working days.

3. This **Notification** is also available on the Government website www.maharashtra.gov.in (Acts / Rules)

Schedule

Accompaniment to the Government Notification No.TPS-1224/1175/CR-53/24/Sec.37(1AA)(c)/UD-12, Date 4th October, 2024.

Regulation	Existing Provision	Sanctioned Modification
10.3. and 10.4.:- Add new Clause as 10.3.6 and 10.4.5	----	<p><u>Following new provision is inserted as Clause 10.3.6 and Clause 10.4.5:-</u></p> <p><u>Generation of TDR :-</u></p> <p>For encumbered plots which are required for implementation of public purpose on urgent basis, following shall be applicable :-</p> <p>(i) In case of land which were /are fully encumbered and where encumbrances had/ have to be removed and/or rehabilitated by the project implementing authority, TDR/ DRC shall be issued equivalent to the area of land taken over for free public project.</p> <p>(ii) In case of land which were/are partly encumbered and where encumbrance are/ were removed and /or rehabilitated elsewhere by the project implementing authority, the entitlement for TDR/DR for the portion of land which is/ was vacant shall be as per Sr.No.(a) of Regulation 11.2.4 and the entitlement of TDR/ DRC for the portion of land which is / was encumbered shall be equivalent to the area of encumbered land taken over for public project.</p> <p>However, before permitting/ granting TDR/ DRC for encumbered land, Project implementing authority shall separately certify the area of land which are vacant and the area of land under encumbrance alongwith detail as per the joint measurement survey carried out in this respect with the city survey officer. The area of vacant land and land under part encumbrance shall be clearly distinguished and demarcated, otherwise the land under part encumbrance shall be treated as fully encumbered land.</p>

11.2:- add new proviso in Clause 11.2.5 after the paragraph "In case and educational buildings".	----	<p>Following new proviso is inserted in Clause 11.2.5 after the paragraph "In caseand educational buildings".</p> <p>Provided further, notwithstanding anything contained in these Regulations, for the purposes of medical, education or community hall, if the land belonging to SPA / ULB is already leased or allotted to a Public Charity Trust or a Government owned entity for the purposes of operations wherein construction of the amenity thereon is the responsibility of Special Planning Authority (SPA) or Urban Local Body (ULB), then to create or extend such facilities for the public at large, construction TDR may be granted to the Trust or Government entity for carrying out construction. However, in any case where construction TDR has been issued, the ownership of the construction shall lie with SPA/ ULB and Trust or Government entity shall, post construction, hand over the construction to SPA/ ULB and SPA /ULB may lease this construction back to the Trust or Government entity for a period co-terminus with the earlier lease and at such rate and conditions that earlier lease states.</p>
11.2.3(x)	Clause No.11.2.3(x) For the lands owned by the State Government.	<p><u>Clause 11.2.3(x)</u></p> <p>For the lands owned by the State Government, except Government land leased on long term for a nominal lease rent wherein remaining tenure of lease is more than 30 years.</p>
11.2.4:- New provision is added in Note after the entry of (e).	----	<p><u>Following new provision is inserted in Clause 11.2.4 Note after the entry of (e).</u></p> <p>f) In case of land owned by Government of Maharashtra but leased on a long term for a nominal lease rent with remaining tenure of lease more than 30 years, is required for reservation under Development Plan, TDR shall be payable to lease holder to the extent of 90% of otherwise due TDR for equivalent private land. If allotment on lease was done at a subsidized rate and not at full market value or RR value, then indexing of the TDR given for land shall be at similarly reduced rate. If there is any existing authorized construction done by lease required to be demolished or acquired then TDR shall be payable for the construction as is due for equivalent private property.</p>

By order and in the name of the Governor of Maharashtra,

NIRMALKUMAR CHAUDHARI,
Deputy Secretary to Government.